

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHERYL MAY RIMAS EUGENIO,

Plaintiff,

v.

JOHNNY BENSON EUGENIO,

Defendant.

Case No. [23-cv-02832-HSG](#)

**ORDER DIRECTING
SUPPLEMENTAL BRIEFING**

Re: Dkt. No. 50

Plaintiff Sheryl May Rimas Eugenio's motion for summary judgment is pending before the Court. Dkt. No. 50. The Court **DIRECTS** both parties to provide supplemental briefing on the following issue:


While Ms. Rimas presupposes in her motion that the relevant household size is two (2) for purposes of calculating income under the Federal Poverty Guidelines, the operative Affidavit of Support (USCIS Form I-864) only identifies Ms. Rimas – as opposed to Ms. Rimas *and* her daughter – as an intending immigrant, and does not specify the total number of persons sponsored in the Affidavit. *See* Dkt. No. 1-1 at 3 (Part 3 left blank), 4 (Part 5.1 left blank). Given that the Affidavit is the contract Ms. Rimas seeks to enforce, why doesn't its failure to identify her daughter as a sponsored immigrant create at least a triable issue of fact as to (1) the relevant household size that Mr. Eugenio is contractually obligated to provide for, and consequently, (2) the amount of damages Mr. Eugenio owes to Ms. Rimas for breach?

The parties must file simultaneous supplemental briefs (of five pages or fewer) addressing this issue by 5:00 p.m. on April 17, 2024. No further responses or other filings are permitted, and the motion will remain under submission once the Court receives the supplemental briefs.

1 The Court advises Defendant, who is representing himself, that he can seek assistance at
2 the Legal Help Center in complying with this order. The Legal Help Center provides free
3 information and limited-scope legal assistance to pro se litigants. More information about the
4 Legal Help Center is provided at <http://www.cand.uscourts.gov/legal-help>. Telephone
5 appointments may be scheduled either over the phone at (415) 782-8982 or by email at
6 federalprobonoproject@sfbar.org.

7 **IT IS SO ORDERED.**

8 Dated: 4/3/2024

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10 HAYWOOD S. GILLIAM, JR.
11 United States District Judge
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